

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

OPA

0341

IN THE MATTER OF

Crofts Oil Company
and Delin J. Crofts, Owner
1625 South 1500 East
Highway 40
Vernal, UT 84078

Docket No. 8CWA-VIII-94-20

ADMINISTRATIVE ORDER

Proceedings under
Sections 311 (c), (e) and (m) of
the Clean Water Act, 33 U.S.C.
§§ 1321 (c), (e), and (m) as
amended by the Oil Pollution Act
of 1990, 33 U.S.C. §§ 2701 et seq.

I. STATUTORY AUTHORITY

1. The following Findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Sections 311 (c), (e), and (m) of the Clean Water Act, 33 U.S.C. §§ 1321 (c), (e), and (m) (CWA) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq (OPA). The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator of Region VIII.

II. DEFINITIONS

1. "Facility" as used in this order shall mean the Naples Truck Stop, Vernal, Utah.

2. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan codified at 40 CFR Part 300, including, but not limited to, any amendments thereto.
3. "Oil" as used in this Order shall have the meaning set forth in Section 311(a) (1) of CWA, 33 U.S.C. § 1321(a) (1).
4. "Onshore Facility" shall have the meaning set forth in Section 311(a) (10) of CWA, 33 U.S.C. § 1321(a) (10).
5. "Site" as used in this Order shall mean the Facility, as described above, and the total expanse of the oil and solid waste contamination described in this Order.
6. "Work" as used in this Order shall mean all requirements of this Order.
7. All terms not defined herein shall have the meanings set forth in OPA, CWA, and the NCP.

III. FINDINGS

1. Crofts Oil Company (Respondent) is a corporation which was registered in the State of Utah on December 4, 1991. According to information obtained from the State of Utah, Crofts Oil Company is owned solely by Delin J. Crofts.
2. Delin J. Crofts (Respondent) is an individual and therefore "a person" within the meaning of 33 U.S.C. § 1321(a) (7).

3. The Facility owned by the Respondents is an "onshore facility" as defined above.
4. The Facility operated by the Respondents is an "onshore facility" as defined above.
5. According to a February 16, 1994, report from Lowell Card, Environmental Health Director, Uintah Basin Public Health Department and an on-site assessment by Hays Griswold, EPA On-Scene Coordinator, a gasoline plume has developed, as a result of a leak on property owned by Respondents. This plume is estimated to be comprised of 7000 gallons of gasoline and is at least six (6) inches deep.
6. According to an on-site assessment by Hays Griswold, EPA On-Scene Coordinator, the gasoline plume referenced above poses a substantial threat of the discharge of oil to an unnamed creek that discharges to Ashley Creek.
7. A "removal" as defined in Section 311(a)(8) of CWA, 33 U.S.C. § 1321(a)(8), is necessary at the Facility to minimize and mitigate damage to the public health or welfare.
8. A "discharge" as defined in Section 311(a)(2) of CWA, 33 U.S.C. § 1321(a)(2), and 40 CFR § 260.10, is occurring or has occurred at or from the Facility.

9. Gasoline products and petroleum hydrocarbons are "oil" within the meaning of Section 311(a)(1) of CWA, 33 U.S.C. § 1321(a)(1).
10. "Oil" as defined above, is currently present at and around the Site.
11. The water table aquifer under the Facility, is a "natural resource" within the meaning of the NCP, 40 CFR § 300.5, and Section 1001(20) of OPA, 33 U.S.C. § 2701(20).
12. Oil has been discharged to the water table aquifer from the Facility. The Oil discharged to the water table aquifer poses a threat to an unnamed creek, which flows into Ashley Creek.
13. Ashley Creek is a "navigable water" of the United States as defined in Section 502(7) of CWA, 33 U.S.C. § 1362(7).
14. Ashley Creek is a "natural resource" within the meaning of the NCP, 40 CFR § 300.5, and Section 1001(20) of OPA, 33 U.S.C. § 2701(20).
15. "Natural resources", as defined in the NCP, 40 CFR § 300.5, and Section 1001(20) of OPA, 33 U.S.C. § 2701(20), may be affected by the discharge at or from the Facility.

16. The discharge of oil from the Facility has occurred in a "harmful quantity" within the meaning of Section 311(b)(3) of CWA, 33 U.S.C. 1321(b)(3), and 40 CFR § 110.3(b).

IV. WORK TO BE PERFORMED

1. Respondents shall locate and identify the source of the discharge of oil. Within 24 hours after the source of the discharge is identified, Respondents shall initiate measures to ensure that no further contamination occurs.
2. Within 14 days of the effective date of this Order, Respondents must provide to EPA Region VIII a proposed plan and schedule for containment and remediation of the gasoline leak from Respondents' property. This plan shall include a registered professional engineer's evaluation of the extent to which the aquifer has become contaminated. Once the plan is approved, in writing, by EPA, the plan must be implemented according to the approved schedule.
3. Respondents shall monitor the contaminant plume to determine the extent of future migration of the contaminant plume, the probable path of the contaminant plume, and to ensure the adequacy of remedial action. This monitoring shall continue until such time as EPA Region VIII grants permission in writing to modify or cease the monitoring.

4. Within 30 days of the effective date of this Order, Respondents shall map the extent of the plume and provide EPA with a copy of this map.
5. Unless otherwise specified, all reports and notifications herein required shall be submitted to:

Hays Griswold, 8HWM-ER
U.S. Environmental Protection Agency
999 18th Street, Suite 500
Denver, CO 80202-2466
Telephone (303) 294-7081

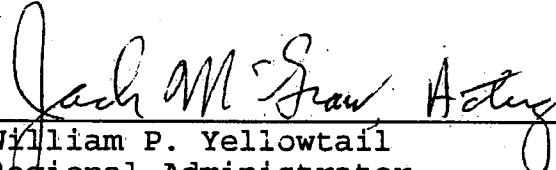
6. Within 48 hours of receipt of this Order, Respondents shall contact Mr. Hays Griswold at the above address and telephone number to advise him of their intention to comply with this Order. If the 48 hours after receipt is not a federal work day, then Respondents shall contact Mr. Griswold by 10:00 a.m. of the first EPA work day (Monday through Friday) after their receipt of this Order.
7. All containment, remediation, and mitigation, performed by the Respondent, shall be consistent with the NCP, OPA, and CWA.

V. GENERAL PROVISIONS

1. Violation of any term of this ORDER may subject Respondents to an administrative civil penalty of up to \$25,000 per day of violation or an amount up to three times the cost incurred by the Oil Spill Liability Trust Fund as a result of such failure under Section 311(b)(7)(B) of the Clean Water Act, 33 U.S.C. § 1321(b)(7)(B) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq.
2. The effective date of this ORDER shall be the date of the receipt of this Order by the Respondents.

IT IS SO ORDERED

Issued this 14th day of March, 1994.



William P. Yellowtail
Regional Administrator
U.S. EPA, Region VIII